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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

**[Docket No. 180831813-9332-03]**

**RIN 0648-XG471**

**Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2019 and 2020**

**Harvest Specifications for Groundfish; Correction**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; correction.

**SUMMARY:** The National Marine Fisheries Service is correcting a final rule that published on March 14, 2019, implementing the final 2019 and 2020 harvest specifications and prohibited species catch allowances for the groundfish fishery of the Gulf of Alaska. One table in the document contains errors associated with flathead sole. These corrections are necessary to provide the correction information about the amount of flathead sole available for commercial harvest in 2019, thus allowing commercial fishermen to maximize their economic opportunities in this fishery. This correction also is necessary to comport with the requirements of the Fishery Management Plan for Groundfish of the Gulf of Alaska.

**DATES:** Effective *[insert date of publication in the FEDERAL REGISTER]*.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907-586-7228.

**SUPPLEMENTARY INFORMATION**

**Need for Correction**

The National Marine Fisheries Service (NMFS) published the Gulf of Alaska (GOA) final 2019 and 2020 harvest specifications in the **Federal Register** on March 14, 2019 (84 FR 9416). The harvest specifications were effective March 14, 2019. A table (Table 1) providing information about the 2019 overfishing levels, acceptable biological catch (ABC), and total allowable catch (TAC) for groundfish of the GOA contains errors associated with the flathead sole ABC for the Central Regulatory Area of the GOA, as well as the flathead sole ABCs and TACs in the West Yakutat (WYK) and Southeast Outside (SEO) Districts of the Eastern Regulatory Area of the GOA. In Table 1 on page 9420 of the harvest specifications published in the **Federal Register**, NMFS inadvertently used incorrect values for the flathead sole ABCs and TACs for these management areas. The correct 2019 flathead sole ABC for the Central Regulatory Area of the GOA is 21,109 metric tons (mt). The correct 2019 flathead sole ABCs for the WYK and SEO Districts of the Eastern Regulatory Area of the GOA are 2,016 mt and 423 mt, respectively. The correct 2019 flathead sole TACs for the WYK and SEO Districts of the Eastern Regulatory Area of the GOA are 2,016 mt and 423 mt, respectively. These corrections also require the corresponding grand total of the 2019 flathead sole ABCs and TACs to be revised to 36,782 mt and 26,489 mt, respectively.

### **Classification**

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is unnecessary and contrary to the public interest. This correcting amendment makes changes to correct mis-specified 2019 flathead sole ABCs and TACs in Table 1, as described above, and does not change operating practices in the fisheries. This correcting action is consistent with the harvest specifications recommended by the

North Pacific Fishery Management Council in December 2018, and ensures that the flathead sole TACs that the fishing industry expected to be available in 2019 are correct. If this correction is delayed to allow for notice and comment, it would result in confusion for participants in the fisheries, given that the final rule implementing the 2019 and 2020 harvest specifications already is effective. Therefore, in order to avoid any negative consequences that could result from this correction, the AA finds good cause to waive the requirement to provide prior notice and opportunity for public comment. The correct 2019 flathead sole TACs for the WYK and SEO Districts of the Eastern Regulatory Area of the GOA are slightly more than the incorrectly specified TACs for these two management areas. Without this correction, commercial fishermen may believe that there is less flathead sole available for harvest in 2019 than is actually available, to their economic detriment.

For the reasons above, the AA also finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this rule effective immediately upon publication.

### **Correction**

In the final rule, published on March 14, 2019 (84 FR 9416), the following corrections are made to Table 1:

On page 9420, in Table 1, columns 4 and 5 are corrected to incorporate the correct amounts for the 2019 flathead sole ABCs and TACs.

Table 1 is corrected and reprinted in its entirety to read as follows:

**Table 1 - Final 2019 OFLs, ABCs, and TACs of Groundfish for the Western/Central/West Yakutat, Western, Central, Eastern Regulatory Areas, the West Yakutat and Southeast Outside Districts of the Eastern Regulatory Area, and Gulfwide Districts of the Gulf of Alaska (Values are rounded to the nearest metric ton).**

Species	Area <sup>1</sup>	OFL	ABC	TAC
Pollock <sup>2</sup>	Shumagin (610)	n/a	24,875	24,875
	Chirikof (620)	n/a	67,388	67,388
	Kodiak (630)	n/a	34,443	34,443
	WYK (640)	n/a	5,748	5,748
	W/C/WYK (subtotal) <sup>2</sup>	194,230	135,850	132,454
	SEO (650)	11,697	8,773	8,773
	Total	205,927	144,623	141,227
Pacific cod <sup>3</sup>	W	n/a	7,633	5,343
	C	n/a	7,667	5,750
	E	n/a	1,700	1,275
	Total	23,669	17,000	12,368
Sablefish <sup>4</sup>	W	n/a	1,581	1,581
	C	n/a	5,178	5,178
	WYK	n/a	1,828	1,828
	SEO	n/a	2,984	2,984
	E (WYK and SEO) (subtotal)	n/a	4,812	4,812
	Total	25,227	11,571	11,571
Shallow-water flatfish <sup>5</sup>	W	n/a	25,620	13,250
	C	n/a	25,731	25,731
	WYK	n/a	2,279	2,279
	SEO	n/a	1,957	1,957
	Total	68,309	55,587	43,217
Deep-water flatfish <sup>6</sup>	W	n/a	416	416
	C	n/a	3,443	3,443
	WYK	n/a	3,280	3,280
	SEO	n/a	2,362	2,362
	Total	11,434	9,501	9,501
Rex sole	W	n/a	2,951	2,951
	C	n/a	8,357	8,357
	WYK	n/a	1,657	1,657
	SEO	n/a	1,727	1,727
	Total	17,889	14,692	14,692
Arrowtooth flounder	W	n/a	35,994	14,500
	C	n/a	70,995	70,995
	WYK	n/a	15,911	6,900
	SEO		22,941	6,900
	Total	174,598	145,841	99,295

Flathead sole	W	n/a	13,234	8,650
	C	n/a	21,109	15,400
	WYK	n/a	2,016	2,016
	SEO	n/a	423	423
	Total	44,865	36,782	26,489
Pacific ocean perch <sup>7</sup>	W	n/a	3,227	3,227
	C	n/a	19,646	19,646
	WYK	n/a	3,296	3,296
	W/C/WYK subtotal	31,113	26,169	26,169
	SEO	2,838	2,386	2,386
	Total	33,951	28,555	28,555
Northern rockfish <sup>8</sup>	W	n/a	1,190	1,190
	C	n/a	3,338	3,338
	E	n/a	1	-
	Total	5,402	4,529	4,528
Shortraker rockfish <sup>9</sup>	W	n/a	44	44
	C	n/a	305	305
	E	n/a	514	514
	Total	1,151	863	863
Dusky rockfish <sup>10</sup>	W	n/a	781	781
	C	n/a	2,764	2,764
	WYK	n/a	95	95
	SEO	n/a	60	60
	Total	4,521	3,700	3,700
Rougheye and Blackspotted rockfish <sup>11</sup>	W	n/a	174	174
	C	n/a	550	550
	E	n/a	704	704
	Total	1,715	1,428	1,428
Demersal shelf rockfish <sup>12</sup>	SEO	411	261	261
Thornyhead rockfish	W	n/a	326	326
	C	n/a	911	911
	E	n/a	779	779
	Total	2,688	2,016	2,016
Other rockfish <sup>13, 14</sup>	W and C	n/a	1,737	1,737
	WYK	n/a	368	368
	SEO	n/a	3,489	3,489
	Total	7,356	5,594	5,594
Atka mackerel	GW	6,200	4,700	3,000
Big skate <sup>15</sup>	W	n/a	504	504
	C	n/a	1,774	1,774
	E	n/a	570	570

	Total	3,797	2,848	2,848
Longnose skate <sup>16</sup>	W	n/a	149	149
	C	n/a	2,804	2,804
	E	n/a	619	619
	Total	4,763	3,572	3,572
Other skates <sup>17</sup>	GW	1,845	1,384	1,384
Sculpins	GW	6,958	5,301	5,301
Sharks	GW	10,913	8,184	8,184
Octopus	GW	1,300	975	975
Total		664,889	509,507	430,569

<sup>1</sup> Regulatory areas and districts are defined at § 679.2. (W=Western Gulf of Alaska; C=Central Gulf of Alaska; E=Eastern Gulf of Alaska; WYK=West Yakutat District; SEO=Southeast Outside District; GW=Gulf-wide).

<sup>2</sup> The total for the W/C/WYK Regulatory Areas pollock ABC is 135,850 mt. After deducting 2.5 percent (3,396 mt) of that ABC for the State's pollock GHL fishery, the remaining pollock ABC of 132,454 mt (for the W/C/WYK Regulatory Areas) is apportioned among four statistical areas (Areas 610, 620, 630, and 640). These apportionments are considered subarea ACLs, rather than ABCs, for specification and reapportionment purposes. The ACLs in Areas 610, 620, and 630 are further divided by season, as detailed in Table 3 (final 2019 seasonal biomass distribution of pollock in the Western and Central Regulatory Areas, area apportionments, and seasonal allowances). In the West Yakutat (Area 640) and Southeast Outside (Area 650) Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

<sup>3</sup> The annual Pacific cod TAC is apportioned 60 percent to the A season and 40 percent to the B season in the Western and Central Regulatory Areas of the GOA. Pacific cod TAC in the Eastern Regulatory Area of the GOA is allocated 90 percent to vessels harvesting Pacific cod for processing by the inshore component and 10 percent to vessels harvesting Pacific cod for processing by the offshore component. Table 5 lists the final 2019 Pacific cod seasonal apportionments.

<sup>4</sup> Sablefish is allocated to trawl and fixed gear in 2019 and trawl gear in 2020. Table 7 lists the final 2019 allocations of sablefish TACs.

<sup>5</sup> "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

<sup>6</sup> "Deep-water flatfish" means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

<sup>7</sup> "Pacific ocean perch" means *Sebastes alutus*.

<sup>8</sup> "Northern rockfish" means *Sebastes polyspinis*. For management purposes, the 1 mt apportionment of ABC to the WYK District of the Eastern Gulf of Alaska has been included in the "other rockfish" species group.

<sup>9</sup> "Shortraker rockfish" means *Sebastes borealis*.

<sup>10</sup> "Dusky rockfish" means *Sebastes variabilis*.

<sup>11</sup> "Rougheye and blackspotted rockfish" means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

<sup>12</sup> "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

<sup>13</sup> "Other rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergry), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, other rockfish also includes northern rockfish, *S. polyspinis*.

<sup>14</sup> "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means other rockfish and demersal shelf rockfish. The "other rockfish" species group in the SEO District only includes other rockfish.

<sup>15</sup> "Big skate" means *Raja binoculata*.

<sup>16</sup> "Longnose skate" means *Raja rhina*.

<sup>17</sup> "Other skates" means *Bathyrāja* and *Raja* spp.

**Authority:** 16 U.S.C. 773 *et seq.*; 16 U.S.C. 1540 (f), 1801 *et seq.*; 16 U.S.C. 3631 *et seq.*; Pub. L. 105-277; Pub. L. 106-31; Pub. L. 106-554; Pub. L. 108-199; Pub. L. 108-447; Pub. L. 109-241; Pub. L 109-479.

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